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1-6-1976

# Extended Pari-Mutuel Wagering And Gaming

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OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

555 CAPITOL MALL, SUITE 550  
SACRAMENTO 95814  
(916) 445-9555

January 5, 1976

**FILED**  
In the office of the Secretary of State  
of the State of California

**JAN - 6 1976**

MARCH FONG EU, Secretary of State  
By *Lashmer M. Apperson*  
Deputy

Hon. March Fong Eu  
Secretary of State  
925 L Street, Suite 605  
Sacramento, California 95814

Dear Mrs. Eu:

Re: Initiative - Constitutional Amendment  
Extended Pari-Mutuel Wagering and Gaming

Pursuant to the provisions of section 3507 of the Elections Code, you are hereby informed that on this day we mailed to Robert W. Wilson, as proponent, the following title and summary:

EXTENDED PARI-MUTUEL HORSE RACE WAGERING AND GAMING. INITIATIVE CONSTITUTIONAL AMENDMENT. Establishes a California Gaming Control Act Commission which shall issue up to one thousand (1,000) licenses, or more with two-thirds State Senate approval, for the conduct of extended pari-mutuel horse race wagering in dinner houses throughout the State. On request of the City of Adelanto the Commission shall issue permits for the conduct within such City of those games defined in Penal Code section 330 and elsewhere in the petition. Horse race wagering licensees and gaming permittees shall pay license and permit fees to the Commission.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

Very truly yours,

EVELLE J. YOUNGER  
Attorney General

*Richard D. Martland*  
RICHARD D. MARTLAND  
Deputy Attorney General

RDM:jsf

Enc.

DECLARATION OF MAILING

RE: Initiative - Constitutional Amendment  
Extended Pari-Mutuel Wagering and Gaming

I, Judy S. Fukuman, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Sacramento, California 95814.

The proponent(s) of the above-named measure are:

Robert Willis Wilson  
11969 Ventura Boulevard  
Suite 206  
Studio City, California 91604

On the 5th day of January, 1976, I mailed a letter, a true copy of which is attached hereto, to the person(s) above named, in an envelope addressed to each of them at the addresses set out immediately below their names, sealed said envelopes, and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place(s) so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 5, 1976, at Sacramento, California.

  
DECLARANT



Office of the Secretary of State  
March Fong Eu

111 Capitol Mall  
Sacramento, California 95814

January 5, 1976

Executive Office	(916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1768
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

EXTENDED PARI-MUTUEL WAGERING AND GAMING

INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

1. Minimum number of signatures required.....499,846  
Constitution IV, 22(b).
2. Official Summary Date..... 1/5/76  
Elections Code Section 3507.
3. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures..... 1/5/76
  - b. Last day Proponent can circulate and file with the  
county. All Sections are to be filed at the same  
time..... 6/3/76  
Elections Code Sections 3507, 3520(a).
  - c. Last day for county to determine total number of  
signatures affixed to petition and to transmit total  
to Secretary of State..... 6/8/76  
  
(If the Proponent files the petition with the county  
on a date other than 6/3/76 the last day is not later  
than the fifth day after the filing of the petition.)  
Elections Code Section 3520(b).
  - d. Last day for county to determine number of qualified  
electors who have signed the petition, and to trans-  
mit certificate, with a blank copy of the petition to  
the Secretary of State..... 6/23/76

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date other than 6/8/76, the last day is not later than the fifteenth day after the notification.)  
Elections Code Section 3520(d,e).

- e. If the signature count is between 449,861 and 549,831, then the Secretary of State notifies counties using random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State..... 7/23/76

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date other than 6/23/76 the last day is not later than the thirtieth day after the notification.)  
Elections Code Section 3520.5.

#### 4. Campaign Statements:

- a. If the measure qualifies for the ballot:  
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 8/20/76..... 8/27/76

(If the Secretary of State qualified the measure for the ballot on a date other than 6/23/76, the last day to file is the 65th calendar day after the date the measure qualified).  
Government Code Section 84202(a).

- b. If the measure does not qualify for the ballot:  
Last day for Proponent to file a Statement of Receipts and Expenditures for period 7/31/76..... 8/7/76  
Government Code Section 84202(b).

5. The Proponent of the above measure is:

Robert Willis Wilson  
11969 Ventura Boulevard  
Suite 206  
Studio City, California 91604

WILLIAM N. DURLEY  
Assistant to the Secretary of State  
Elections and Political Reform

A handwritten signature in cursive script that reads "Cashmere Apperson".

Cashmere Apperson  
Elections Technician

CA:pl

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 3500.1, 3502.5 and 3511 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures.

Your attention is further directed to Government Code Sections 85200 et seq regarding the circulation of statewide petitions.

ROBERT WILLIS WILSON  
11969 Ventura Boulevard  
Suite 206  
Studio City, California 91604

(213)769-3939

October 2, 1975

Honorable Evelle J. Younger  
Attorney General  
Wells Fargo Bank Building, Suite 500  
Fifth Street and Capitol Mall  
Sacramento, California 95814

Dear Mr. Younger:

Please be advised that Robert Willis Wilson is the proponent of the Initiative Measure enclosed, and all reference to same shall be "CALIFORNIA GAMING CONTROL ACT."

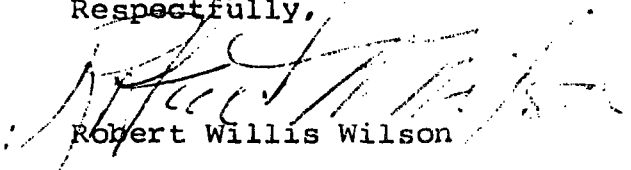
The Initiative Measure will amend the California Constitution by adding thereto a new article and sub-section designated Article IV, Section 19, sub-section (c), which shall immediately follow Article IV, Section 19, sub-section (b), thereby allowing for extended pari-mutuel wagering on horse races within and throughout this State and gaming as set forth in Chapter 10 of the California Penal Code.

This proposed measure will extend pari-mutuel wagering and in no way to be referred to as off-track betting or bookmaking.

I request you to prepare a Title and Summary of the chief purpose and points of the proposed measure.

Enclosed is a cashier's check in the amount of \$200.00 covering the filing fee.

Respectfully,

  
Robert Willis Wilson

RWW/sn

Enclosure (Check, Initiative Measure)

AN INITIATIVE PETITION PROPOSING AN  
AMENDMENT TO THE CONSTITUTION OF  
THE STATE OF CALIFORNIA RELATING TO  
EXTENDED PARI-MUTUEL WAGERING ON  
HORSE RACES AND GAMING.

Initiative Measure

TO BE SUBMITTED DIRECTLY TO THE ELECTORS.

The full text of the proposed Amendment is as follows:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

The Constitution of the State of California is hereby amended by adding thereto a new article and sub-section designated as Article IV, Section 19, sub-section (c), which shall immediately follow Article IV, Section 19, sub-section (b), and shall read as follows:

ARTICLE IV, SECTION 19,  
SUB-SECTION (c)

CALIFORNIA GAMING CONTROL ACT

SECTION I. Existing methods of taxation have proved inadequate to meet the increasing costs of State government. The property tax has risen to the point that property owners cannot be taxed further without the State's economy being seriously impaired. The sales tax has been raised a percentage at a time to the point that the State has become a serious partner to most commercial transactions incurred within its boundaries. Other existing sources of revenue to the State are urgently needed. There exists at this time, within the confines of this State, a multi-million dollar activity related to Gaming and Book Making as set forth in the Penal Code, Chapter 10 of this State which operate without State taxation or supervision. It is further evident that vast sums of State revenues are expended in what has proved to be a futile effort to curb or eliminate this activity. The purpose of this Article is to provide for Gaming as set forth in the Penal Code, Chapter 10 of this State, and for extending pari-mutuel wagering for a limited period of time, and is to be treated as a pilot experimental program for a period of twenty-five (25) years.

SECTION II. The California Legislature shall provide for the regulation of Gaming as defined in Penal Code, Chapter 10, Section 330 and Extended Pari-Mutuel wagering on horse races as follows:

SECTION III. This Article shall be cited and known as the California Gaming Control Act, and all reference to same shall be the same.

SECTION IV. Recognizing the mandate of the people, the Legislature shall pass all laws reasonably necessary to implement the conducting of Gaming and Extended Pari-Mutuel Wagering operations on horse racing within this State.

SECTION V. After the twenty-five (25) year period referred to in Section I of this Article expires, the Legislature shall have the power to extend the pilot experimental program to a time to be determined by it according to all rules, regulations and conditions the Legislature may have then prescribed or to confirm said Article for all counties of this State.



SECTION VI. Jurisdiction and supervision over Gaming and Extended Pari-Mutuel Wagering in this State and over all persons or things to do with the operation of Gaming and Extended Pari-Mutuel Wagering is vested in the California Gaming Control Act Commission.

The California Gaming Control Act Commission shall consist of three members to be appointed by the Governor. Each member shall have been a resident of this State for four years next preceding his appointment. Each member shall hold office for a term of four years. Any vacancy shall be filled by the Governor for the expired term.

The members of the California Gaming Control Act Commission shall receive a salary of \$22,500.00 per annum.

The Governor may remove any California Gaming Control Act Commission member for cause upon first giving him a copy of the charges against him and an opportunity to be heard.

The members of the California Gaming Control Act Commission shall appoint one of its members a chairman.

The California Gaming Control Act Commission shall appoint such employees as may be necessary to carry out the provision of this law.

The California Gaming Control Act Commission shall appoint a secretary who shall receive the annual salary provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the the Government Code.

The salaries of the California Gaming Control Act Commission members, the secretary and other employees and all other necessary expenses to carry out the Gaming and Extended Pari-Mutuel Wagering measure shall be paid monthly by the State Treasurer on the warrant of the State Controller and the certification of the Chairman of the California Gaming Control Act Commission out of the California State General Fund.

The California Gaming Control Act Commission shall establish and maintain a general office for the transaction of its business at a place to be determined by it. The California Gaming Control Act Commission may hold meetings at any other place when the convenience of the members of the California Gaming Control Act Commission requires.

All meetings of the California Gaming Control Act Commission shall be open to the public, and all persons shall be permitted to attend any meeting of the California Gaming Control Act Commission.

A majority of the California Gaming Control Act Commission constitutes a quorum for the transaction of its business or the exercise of any of its powers.

The secretary shall keep a full and true record of all proceedings books, documents, and papers of the board, prepare for service such notices and other papers as may be required of him by the California Gaming Control Act Commission and perform such other duties as the California Gaming Control Act Commission may prescribe.

All records of the California Gaming Control Act Commission shall be open to inspection by the public during regular office hours.

The Legislature shall give the California Gaming Control Act Commission all powers necessary and proper to enable it to carry out fully and effectually the purposes of this law.

SECTION XV. It shall be unlawful for any person, firm, association or corporation, either as owner, lessee, or employee, whether for hire or not, to operate, carry on, conduct or maintain in the State of California, any form of wagering under this Article system known as the Extended Pari-Mutuel Wagering method of wagering on any horse race, without having first procured a license for the same as provided in this Article.

- A. No alien or any person except a citizen of the United States shall be issued a license, or shall directly or indirectly own, operate or control having to do with Extended Pari-Mutuel Wagering so licensed.

SECTION XVI. The California Gaming Control Act Commission shall be charged with the administration of this Article for the protection of this Article for the protection of the public and in the public interest.

- A. The regulations of the California Gaming Control Act Commission may include, without limitation thereof, the following:
  - B. Requiring fingerprinting of an applicant or licensee, or other method of identification.
  - C. Requiring information concerning an applicants' antecedents, habits and character.
  - D. Prescribing the method and form of application which any applicant for a license under this Article shall follow and complete prior to consideration of his application by the California Gaming Control Act Commission.
  - E. The California Gaming Control Act Commission shall, and it is granted the power to, demand access to and inspect all books and records of any person licensed under this Article pertaining to and affecting the subject of the license.

SECTION XVII. This Section relates to Gaming only as follows:

1. Gaming is to be treated as a pilot experimental program as set forth in Section One of this Article for a period of twenty-five (25) years.

2. San Bernardino County shall be the only county for the pilot program. Only the City and to the City boundaries shall be involved as stated in the following:

A. The Geographical Area Gaming shall be permitted is located in the County of San Bernardino, the City known as Adelanto.

3. The Legislature shall pass all laws reasonably necessary to implement the conducting of Gaming (as defined in the State Penal Code, Chapter 10, Section 330) including, Slot Machines, Card Dice, Dice, Punchboard, Lottery, Pool-Selling, Faro, Monte, Roulette, Lansquenet rouge et noire, Rondo, Tan, Fan-Tan, Stud Horses Poker, Seven-and-Half, Twenty-One Black Jack, Hokey-Pokey, or any banking or percentage game played with cards, dice, or any device for money, checks, credit, or other representative of value.

SECTION VII. It shall be unlawful for any person, persons, corporation, association or other legal entity to conduct Extended Pari-Mutuel Wagering in this State without a license from the California Gaming Control Act Commission.

SECTION VIII. The California Gaming Control Act Commission shall issue up to one thousand (1,000) licenses to conduct Extended Pari-Mutuel Wagering in this State. The California Gaming Control Act Commission may issue as many other licenses to conduct Extended Pari-Mutuel Wagering as necessary in this State, with two-thirds (2/3) approval of the State Senate.

SECTION IX. Ten days following the official declaration of the Vote by the Secretary of State the California Gaming Control Act Commission shall start taking applications from Applicants on application forms furnished by the California Gaming Control Act Commission, the Applicants shall pay to the California Gaming Control Act Commission Twenty-Five Hundred Dollars (\$2,500.00) as a filing fee and will not be refundable on the event an Applicant is rejected by the California Gaming Control Act Commission for a license to conduct Extended Pari-Mutuel Wagering in this State. When the California Gaming Control Act Commission issues a license to conduct Extended Pari-Mutuel Wagering the licensee shall not sell or transfer said license without the approval of the California Gaming Control Act Commission.

SECTION X. The license fee for Extended Pari-Mutuel Wagering within this State shall be paid the California Gaming Control Act Commission in the amount of Twenty-Five Hundred Dollars (\$2,500.00). All application fees and license fees for Extended Pari-Mutuel Wagering on horse racing shall be paid into the State General Fund. The licensee shall pay said license fee annually thereafter.

SECTION XI. Extended Pari-Mutuel Wagering shall take place in all Counties and Cities of this State.

SECTION XII. All Extended Pari-Mutuel Wagering shall take place in establishments throughout the State which shall be equipped with closed-circuit television for viewing of the race and with pari-mutuel wagering machines utilized in a manner which would insure that any wager made within the system would reflect itself in the total mutuel pool for a particular race and with facilities comparable to those common at race tracks in this State.

SECTION XIII. The Licensee shall be responsible in determining the locations of the Extended Pari-Mutuel Wagering establishments. Recognizing the people in favor of this measure the Legislature shall pass all laws reasonably necessary to insure that there is cooperation between the race track operators, owners or any other legal entity and the licensee.

SECTION XIV. Extended Pari-Mutuel Wagering licenses shall be issued to individuals, corporations, partnerships, or any legal entity. The licenses issued for Extended Pari-Mutuel Wagering establishments operators shall not share in revenues derived through Extended Pari-Mutuel Wagering Funds. Further, all revenues derived through Extended Pari-Mutuel Wagering Funds pursuant to the existing sliding scale percentages (of each dollar wagered) now and future in effect, shall at least be shared equally with the State of California and the licensee that is authorized and designated by the State Horse Racing Commission of California to conduct horse race meetings for the general public viewing each year.

Gaming as set forth in this measure relating to City location, the City named shall have the exercise of local option permitting Gaming.

The California Gaming Control Act Commission shall issue permits for Gaming at the request of the City Council. It shall be unlawful for any person, persons, corporation, association or other legal entity to conduct Gaming in this State without a city license and a permit from the California Gaming Control Act Commission of this State.

The City named shall adopt a City Ordinance with a full-time three (3) man Commission appointed by the City Council for the purpose of a universal screening licensing Commission of this city to investigate applicants for a Gaming license, and supervision over Gaming in this city and establish its own licensing and tax fees.

The California Gaming Control Act Commission shall issue as many permits as the City of Adelanto requests for Gaming.

Thirty days after the issuance of a permit for Gaming, the permittee shall pay to the California Gaming Control Act Commission the sum of Twenty-Five Thousand Dollars (\$25,000.00) as a permit fee.

All revenues derived for the State from this Article is for the purpose of lowering taxation to the people of the State of California and all permit fees shall be paid into the State General Fund.

#### STATE POLICY CONCERNING GAMBLING

- A. It is hereby declared to be the policy of this State that all establishments where gambling games are conducted or operated or where gambling devices are operated in the State of California shall be licensed by the City and a permit from the California Gaming Control Act Commission and controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State of California, and to preserve the competitive economy and the policies of free competition of the State of California.
- B. Any license and permit issued pursuant to the Article shall be deemed to be a revocable privilege and no holder thereof shall be deemed to have acquired and vested rights therein or thereunder.

SECTION XVIII. All provisions of the Constitution of the State of California and the laws of the State of California, in conflict with or inconsistent with the provisions hereof are hereby repealed. If any portion, section or clause of this Article shall be declared unconstitutional or invalid, such declaration or adjudication shall not affect the remainder of this Article.

SECTION XIV. The Legislature shall pass all laws necessary to effect operation of this measure. It shall take effect five days after the date of the official declaration of the vote by the Secretary of State and become operative upon the first day of the first month following the fourth day after the date of the official declaration of the vote.

SECTION XX. "GAMING," "GAMBLING GAME" DEFINED.

"Gaming" or "gambling game" means any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, Faro, Monte, Roulette, Keno, Bingo, Fan-Tan, Twenty-One Black Jack, Seven-and-Half, Big Injun, Klondike, Craps, Stud Poker, Draw Poker, or Slot Machines.

SECTION XXI. "EXTENDED PARI-MUTUEL WAGERING" "ESTABLISHMENTS" DEFINED.

Restaurants serving lunches and dinners for the convenience of the public and to the public.

SECTION XXII. "CITY" DEFINED.

"City" means any incorporated or unincorporated city or town.

SECTION XXIII. The provisions of this Article are self-executing.